

By Senator DiCeglie

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30 for reduced permit fees; prohibiting a local
31 jurisdiction from charging certain administrative fees
32 or other additional fees; prohibiting local
33 governmental entities and local building officials
34 from requiring additional forms in certain
35 circumstances; prohibiting local governmental entities
36 and local building officials from altering a form
37 adopted by the commission; deleting a requirement that
38 a private provider's qualification statements or
39 resumes be included in a certain notice; deleting time
40 restrictions for electing to use a private provider;
41 requiring that a certain affidavit may be submitted
42 electronically; specifying which forms and documents a
43 local building official may and may not review;
44 requiring that written notice of incomplete forms be
45 given to an applicant within a specified timeframe;
46 revising the timeframes in which certain notices must
47 be sent; providing that certain permits are deemed
48 approved; providing requirements for a private
49 provider's duly authorized representatives; deleting
50 provisions requiring a private provider to provide
51 notice to the local building official to perform
52 inspections; providing that local building officials
53 are not responsible for the administration or
54 supervision of services performed by a private
55 provider; prohibiting local building officials from
56 failing certain inspections under certain
57 circumstances; revising the timeframe in which certain
58 records must be provided; authorizing certain persons

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59 to sign certificates of compliance; providing
60 requirements for local building officials who have
61 actual knowledge that a private provider failed to
62 perform an inspection; requiring certain entities to
63 establish a system of registration; prohibiting a
64 local building official from charging certain
65 administrative fees; providing that certain virtual
66 inspections may not be prohibited or limited;
67 requiring certain notice before an audit; prohibiting
68 certain entities from discouraging the use of private
69 providers; amending s. 553.792, F.S.; requiring the
70 commission to develop a uniform building permit
71 application; requiring that the application include
72 certain information; requiring a local government to
73 make certain decisions relating to certain building
74 permits within a specified timeframe; specifying that
75 certain permit applications are deemed approved and
76 must be issued within a certain timeframe; amending s.
77 720.3035, F.S.; prohibiting an association or certain
78 committees from requiring a building permit as a
79 prerequisite for a certain review; providing an
80 effective date.

81
82 Be It Enacted by the Legislature of the State of Florida:

83
84 Section 1. Paragraph (d) of subsection (4) of section
85 125.56, Florida Statutes, is amended to read:
86 125.56 Enforcement and amendment of the Florida Building
87 Code and the Florida Fire Prevention Code; inspection fees;

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88 inspectors; etc.-

89 (4)

90 (d) A county that issues building permits may send a
91 written notice of expiration, by e-mail or United States Postal
92 Service, to the owner of the property and the contractor listed
93 on the permit, no less than 30 days before a building permit is
94 set to expire. The written notice must identify the permit that
95 is set to expire and the date the permit will expire. A building
96 permit issued by a county for a single-family dwelling expires
97 180 days after the issuance of the permit or the effective date
98 of the next edition of the Florida Building Code, whichever is
99 later.

100 Section 2. Paragraph (o) of subsection (1) of section
101 489.129, Florida Statutes, is amended to read:

102 489.129 Disciplinary proceedings.-

103 (1) The board may take any of the following actions against
104 any certificateholder or registrant: place on probation or
105 reprimand the licensee, revoke, suspend, or deny the issuance or
106 renewal of the certificate or registration, require financial
107 restitution to a consumer for financial harm directly related to
108 a violation of a provision of this part, impose an
109 administrative fine not to exceed \$10,000 per violation, require
110 continuing education, or assess costs associated with
111 investigation and prosecution, if the contractor, financially
112 responsible officer, or business organization for which the
113 contractor is a primary qualifying agent, a financially
114 responsible officer, or a secondary qualifying agent responsible
115 under s. 489.1195 is found guilty of any of the following acts:

116 (o) Proceeding on any job without obtaining applicable

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117 local building department permits and inspections, unless
118 otherwise provided by law.

119
120 For the purposes of this subsection, construction is considered
121 to be commenced when the contract is executed and the contractor
122 has accepted funds from the customer or lender. A contractor
123 does not commit a violation of this subsection when the
124 contractor relies on a building code interpretation rendered by
125 a building official or person authorized by s. 553.80 to enforce
126 the building code, absent a finding of fraud or deceit in the
127 practice of contracting, or gross negligence, repeated
128 negligence, or negligence resulting in a significant danger to
129 life or property on the part of the building official, in a
130 proceeding under chapter 120.

131 Section 3. Paragraphs (h) and (i) are added to subsection
132 (7) of section 553.73, Florida Statutes, to read:

133 553.73 Florida Building Code.—

134 (7)

135 (h)1. The commission shall modify the Florida Building Code
136 to exempt from building permit requirements the installation of
137 residential hurricane and flood protection walls or barriers
138 that meet all of the following conditions:

139 a. The wall or barrier is nonhabitable and nonload-bearing.

140 b. The wall or barrier is installed on the residential
141 property of a single-family or two-family dwelling or townhouse.

142 c. The wall or barrier is constructed to mitigate or
143 prevent storm surge or floodwaters from entering a structure or
144 property.

145 d. The wall or barrier is installed by a contractor

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146 licensed under part I of chapter 489.

147 e. The wall or barrier complies with applicable local
148 zoning, drainage, easement, and setback requirements.

149 2. The commission may adopt rules under s. 120.54 to
150 incorporate necessary standards to implement this paragraph.

151 (i) The commission shall modify the Florida Building Code
152 to state that building permits for retaining walls installed on
153 the residential property of a single-family or two-family
154 dwelling or a townhouse are not required for each lot or parcel.

155 Section 4. Paragraphs (a), (c), and (d) of subsection (1)
156 of section 553.79, Florida Statutes, are amended, and paragraph
157 (g) is added to that subsection, to read:

158 553.79 Permits; applications; issuance; inspections.—

159 (1) (a) Unless otherwise provided by law, after the
160 effective date of the Florida Building Code adopted as herein
161 provided, it shall be unlawful for any person, firm,
162 corporation, or governmental entity to construct, erect, alter,
163 modify, repair, or demolish any building within this state
164 without first obtaining a permit therefor from the appropriate
165 enforcing agency or from such persons as may, by appropriate
166 resolution or regulation of the authorized state or local
167 enforcing agency, be delegated authority to issue such permits,
168 upon the payment of such reasonable fees adopted by the
169 enforcing agency. The enforcing agency is empowered to revoke
170 any such permit upon a determination by the agency that the
171 construction, erection, alteration, modification, repair, or
172 demolition of the building for which the permit was issued is in
173 violation of, or not in conformity with, the provisions of the
174 Florida Building Code. Whenever a permit required under this

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175 section is denied or revoked because the plan, or the
176 construction, erection, alteration, modification, repair, or
177 demolition of a building, is found by the local enforcing agency
178 to be not in compliance with the Florida Building Code, the
179 local enforcing agency shall identify the specific plan or
180 project features that do not comply with the applicable codes,
181 identify the specific code chapters and sections upon which the
182 finding is based, and provide this information to the permit
183 applicant. A plans reviewer or building code administrator who
184 is responsible for issuing a denial, revocation, or modification
185 request but fails to provide to the permit applicant a reason
186 for denying, revoking, or requesting a modification, based on
187 compliance with the Florida Building Code or local ordinance, is
188 subject to disciplinary action against his or her license
189 pursuant to s. 468.621(1)(i). Installation, replacement,
190 removal, or metering of any load management control device is
191 exempt from and shall not be subject to the permit process and
192 fees otherwise required by this section.

193 (c) A local government that issues building permits may
194 send a written notice of expiration, by e-mail or United States
195 Postal Service, to the owner of the property and the contractor
196 listed on the permit, no less than 30 days before a building
197 permit is set to expire. The written notice must identify the
198 permit that is set to expire and the date the permit will
199 expire. A building permit issued by a local government for a
200 single-family dwelling expires 180 days after the issuance of
201 the permit or the effective date of the next edition of the
202 Florida Building Code, whichever is later.

203 (d) A local enforcement agency must allow requests for

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204 inspections to be submitted electronically to the local
205 enforcement agency's appropriate building department. Acceptable
206 methods of electronic submission include, but are not limited
207 to, e-mail or fill-in forms available on the website of the
208 building department or through a third-party submission
209 management software or application that can be downloaded on a
210 mobile device. Requests for inspections may be submitted in a
211 nonelectronic format, at the discretion of the building
212 official. Inspection fees may not be based on the total cost of
213 a project and may not exceed the actual inspection costs
214 incurred by the local enforcement agency.

215 (g)1. A local government that issues building permits may
216 not require an owner of a single-family dwelling or the owner's
217 contractor to obtain a building permit to perform any work that
218 is valued at less than \$7,500 on the single-family dwelling's
219 lot. However, a local government may require a building permit
220 for any electrical, plumbing, or structural work, not including
221 the repair or replacement of exterior doors or windows,
222 performed on a lot containing a single-family dwelling
223 regardless of the value of the work.

224 2. A contractor who performs work that does not require a
225 building permit under this paragraph must keep a written record
226 of the work performed, the property address at which the work
227 was performed, and the value of such work as proof that such
228 work complies with subparagraph 1.

229 Section 5. Section 553.791, Florida Statutes, is amended to
230 read:

231 553.791 Alternative plans review and inspection.—

232 (1) As used in this section, the term:

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233 (a) "Applicable codes" means the Florida Building Code and
234 any local technical amendments to the Florida Building Code but
235 does not include the applicable minimum fire prevention and
236 firesafety codes adopted pursuant to chapter 633.

237 (b) "Audit" means the process to confirm that the building
238 code inspection services have been performed by the private
239 provider, which is strictly limited to including ensuring that
240 the required affidavit for the plan review has been properly
241 completed and submitted with the permit documents and that the
242 minimum mandatory inspections required under the Florida
243 Building Code have been performed and properly recorded. The
244 local building official may not replicate the plan review or
245 inspection being performed by the private provider. The local
246 building official may perform a site visit in connection with
247 the audit only when the local building official has actual
248 knowledge that the forms and documents submitted by the private
249 provider are incomplete or incorrect, in which case the local
250 building official must provide written notice to the private
251 provider of the specific forms and documents that are incomplete
252 or incorrect before performing a site visit, unless expressly
253 authorized by this section.

254 (c) "Building" means any construction, erection,
255 alteration, demolition, or improvement of, or addition to, any
256 structure or site work for which permitting by a local
257 enforcement agency is required.

258 (d) "Building code inspection services" means those
259 services described in s. 468.603(5) and (8) involving the review
260 of building plans as well as those services involving the review
261 of site plans and site work engineering plans or their

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262 functional equivalent, to determine compliance with applicable
263 codes and those inspections required by law, conducted either in
264 person or virtually, of each phase of construction for which
265 permitting by a local enforcement agency is required to
266 determine compliance with applicable codes.

267 (e) "Deliver" or "delivery" means any method of delivery
268 used in conventional business or commercial practice, including
269 delivery by electronic transmissions such as e-mail or any other
270 form of electronic communication used to transmit information.

271 (f) "Duly authorized representative" means an agent of the
272 private provider identified in the permit application who
273 reviews plans or performs inspections as provided by this
274 section and who is licensed as an engineer under chapter 471 or
275 as an architect under chapter 481 or who holds a standard or
276 provisional certificate under part XII of chapter 468. A duly
277 authorized representative who only holds a provisional
278 certificate under part XII of chapter 468 must be under the
279 direct supervision of a person licensed as a building code
280 administrator under part XII of chapter 468.

281 (g) "Electronic signature" means any letters, characters,
282 or symbols manifested by electronic or similar means which are
283 executed or adopted by a party with an intent to authenticate a
284 writing or record.

285 (h) "Electronic transmission" or "submitted electronically"
286 means any form or process of communication not directly
287 involving the physical transfer of paper or another tangible
288 medium which is suitable for the retention, retrieval, and
289 reproduction of information by the recipient and is retrievable
290 in paper form by the receipt through an automated process. All

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291 notices provided for in this section may be transmitted
292 electronically and shall have the same legal effect as if
293 physically posted or mailed.

294 (i) "Electronically posted" means providing notices of
295 decisions, results, or records, including inspection records,
296 through the use of a website or other form of electronic
297 communication used to transmit or display information.

298 (j) "Immediate threat to public safety and welfare" means a
299 building code violation that, if allowed to persist, constitutes
300 an immediate hazard that could result in death, serious bodily
301 injury, or significant property damage. This paragraph does not
302 limit the authority of the local building official to issue a
303 Notice of Corrective Action at any time during the construction
304 of a building project or any portion of such project if the
305 official determines that a condition of the building or portion
306 thereof may constitute a hazard when the building is put into
307 use following completion as long as the condition cited is shown
308 to be in violation of the building code or approved plans.

309 (k) "Local building official" means the individual within
310 the governing jurisdiction responsible for direct regulatory
311 administration or supervision of plans review, enforcement, and
312 inspection of any construction, erection, alteration,
313 demolition, or substantial improvement of, or addition to, any
314 structure for which permitting is required to indicate
315 compliance with applicable codes and includes any duly
316 authorized designee of such person.

317 (l) "Permit application" means a properly completed and
318 submitted application for the requested building or construction
319 permit, including:

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320 1. The plans reviewed by the private provider, inclusive of
321 site plans by a licensed reviewer, or in the case of a single-
322 trade plans review where a private provider uses an automated or
323 software-based plans review system pursuant to subsection (6),
324 the information reviewed by the automated or software-based
325 plans review system to determine compliance with one or more
326 applicable codes.

327 2. The affidavit from the private provider required under
328 subsection (6).

329 3. Any applicable fees.

330 4. Any documents required by the local building official to
331 determine that the fee owner has secured all other government
332 approvals required by law.

333
334 All permit applications must be able to be submitted
335 electronically.

336 (m) "Plans" means building plans, site engineering plans,
337 or site plans, or their functional equivalent, submitted by a
338 fee owner or fee owner's contractor to a private provider or
339 duly authorized representative for review.

340 (n) "Private provider" means a person licensed as a
341 building code administrator under part XII of chapter 468, as an
342 engineer under chapter 471, or as an architect under chapter
343 481. For purposes of performing inspections under this section
344 for additions and alterations that are limited to 2,500 1,000
345 square feet or less to residential buildings, the term "private
346 provider" also includes a person who holds a standard
347 certificate under part XII of chapter 468.

348 (o) "Private provider firm" means a business organization,

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349 including a corporation, partnership, business trust, or other
350 legal entity, which offers services under this chapter to the
351 public through persons ~~licensees~~ who are acting as agents,
352 employees, officers, or partners of the firm. A person who is
353 licensed as a building code administrator under part XII of
354 chapter 468, an engineer under chapter 471, or an architect
355 under chapter 481 may act as a private provider for an agent,
356 employee, or officer of the private provider firm.

357 (p) "Request for certificate of occupancy or certificate of
358 completion" means a properly completed and executed application
359 for:

360 1. A certificate of occupancy or certificate of completion.
361 2. A certificate of compliance from the private provider
362 required under subsection (14) ~~(13)~~.
363 3. Any applicable fees.

364 4. Any documents required by the local building official to
365 determine that the fee owner has secured all other government
366 approvals required by law.

367

368 All applications must be able to be submitted electronically.

369 (q) "Single-trade inspection" or "single-trade plans
370 review" means any inspection or plans review focused on a single
371 construction trade, such as plumbing, mechanical, or electrical.
372 The term includes, but is not limited to, inspections or plans
373 reviews of door or window replacements; fences and block walls
374 more than 6 feet high from the top of the wall to the bottom of
375 the footing; stucco or plastering; reroofing with no structural
376 alteration; solar energy and energy storage installations or
377 alterations; HVAC replacements; ductwork or fan replacements;

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378 alteration or installation of wiring, lighting, and service
379 panels; water heater changeouts; sink replacements; and
380 repiping.

381 (r) "Site work" means the portion of a construction project
382 that is not part of the building structure, including, but not
383 limited to, grading, excavation, landscape irrigation, and
384 installation of driveways.

385 (s) "Stop-work order" means the issuance of any written
386 statement, written directive, or written order which states the
387 reason for the order and the conditions under which the cited
388 work will be permitted to resume.

389 (t) "System of registration" means the system used to
390 verify compliance with the licensure and insurance requirements
391 for a private provider firm under this chapter.

392 (2) (a) Notwithstanding any other law or local government
393 ordinance or local policy, the fee owner of a building or
394 structure, or the fee owner's contractor upon ~~written~~
395 authorization from the fee owner, may choose at any time to use
396 a private provider to provide building code inspection services
397 with regard to such building or structure and may make payment
398 directly to the private provider for the provision of such
399 services. All such services shall be the subject of an agreement
400 ~~a written contract~~ between the private provider, or the private
401 provider's firm, and the fee owner or the fee owner's
402 contractor, upon ~~written~~ authorization of the fee owner. The
403 agreement is not required to be submitted as part of the permit
404 application or as a condition for issuing a permit, and a local
405 building official or local government entity may not request
406 such agreement or consent form as a condition for issuing a

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407 permit. The fee owner may elect to use a private provider to
408 provide plans review or required building inspections, or both.
409 However, if the fee owner or the fee owner's contractor uses a
410 private provider to provide plans review, the local building
411 official, in his or her discretion and pursuant to duly adopted
412 policies of the local enforcement agency, may require the fee
413 owner or the fee owner's contractor to use a private provider to
414 also provide required building inspections.

415 (b) If a fee ~~an~~ owner or the fee owner's contractor retains
416 a private provider for purposes of plans review or building
417 inspection services, the local jurisdiction must reduce the
418 permit fee by the amount of cost savings realized by the local
419 enforcement agency for not having to perform such services. Such
420 reduction may be calculated on a flat fee or percentage basis,
421 or any other reasonable means by which a local enforcement
422 agency assesses the cost for its plans review or inspection
423 services. The reduced permit fee must be based on the cost
424 incurred by the local jurisdiction, including the labor cost of
425 the personnel providing such services and the clerical and
426 supervisory assistance required to comply with this section. The
427 local jurisdiction may not charge any additional fees for
428 building inspections or plans review if the fee owner or the fee
429 owner's contractor hires a private provider to perform such
430 services, and the local jurisdiction may not charge punitive
431 administrative fees for working with a private provider;
432 however, the local jurisdiction may charge a reasonable
433 administrative fee, which shall be based on the cost that is
434 actually incurred, including the labor cost of the personnel
435 providing the service, by the local jurisdiction or attributable

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436 to the local jurisdiction for the clerical and supervisory
437 assistance required, or both.

438 (c) If a fee an owner or the fee owner's a contractor
439 retains a private provider for purposes of plans review or
440 building inspection services, the local jurisdiction must
441 immediately provide equal access to all permitting and
442 inspection documents and reports to the private provider, owner,
443 and contractor if such access is provided by software that
444 protects exempt records from disclosure.

445 (d) A local governmental entity or local building official
446 may not require additional forms beyond those required at
447 registration, except for the written notice required under
448 subsection (4), if a fee owner or the fee owner's contractor
449 uses a private provider.

450 (3) A private provider and any duly authorized
451 representative may only perform building code inspection
452 services that are within the disciplines covered by that
453 person's licensure or certification under chapter 468, chapter
454 471, or chapter 481, including single-trade inspections. A
455 private provider may not provide building code inspection
456 services pursuant to this section upon any building designed or
457 constructed by the private provider or the private provider's
458 firm.

459 (4) A fee owner or the fee owner's contractor using a
460 private provider to provide building code inspection services
461 shall notify the local building official in writing at the time
462 of permit application, or by 2 p.m. local time, 2 business days
463 before the first scheduled inspection by the local building
464 official or building code enforcement agency that a private

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465 provider has been contracted to perform the required inspections
466 of construction under this section, including single-trade
467 inspections, on the exact a form ~~to be~~ adopted by the
468 commission. Such form may not be altered by any local
469 governmental entity or local building official. This notice must
470 shall include the following information:

471 (a) The services to be performed by the private provider.

472 (b) The name, firm, address, telephone number, and e-mail
473 address of each private provider who is performing or will
474 perform such services, his or her professional license or
475 certification number, ~~qualification statements or resumes~~, and,
476 if required by the local building official, a certificate of
477 insurance demonstrating that professional liability insurance
478 coverage is in place for the private provider's firm, the
479 private provider, and any duly authorized representative in the
480 amounts required by this section.

481 (c) An acknowledgment from the fee owner or the fee owner's
482 contractor in substantially the following form:

483
484 I have elected to use one or more private providers to
485 provide building code plans review and/or inspection
486 services on the building or structure that is the
487 subject of the enclosed permit application, as
488 authorized by s. 553.791, Florida Statutes. I
489 understand that the local building official may not
490 review the plans submitted or perform the required
491 building inspections to determine compliance with the
492 applicable codes, except to the extent specified in
493 said law. Instead, plans review and/or required

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494 building inspections will be performed by licensed or
495 certified personnel identified in the application. The
496 law requires minimum insurance requirements for such
497 personnel, but I understand that I may require more
498 insurance to protect my interests. By executing this
499 form, I acknowledge that I have made inquiry regarding
500 the competence of the licensed or certified personnel
501 and the level of their insurance and am satisfied that
502 my interests are adequately protected. I agree to
503 indemnify, defend, and hold harmless the local
504 government, the local building official, and their
505 building code enforcement personnel from any and all
506 claims arising from my use of these licensed or
507 certified personnel to perform building code
508 inspection services with respect to the building or
509 structure that is the subject of the enclosed permit
510 application.

511
512 If the fee owner or the fee owner's contractor makes any changes
513 to the listed private providers or the services to be provided
514 by those private providers, the fee owner or the fee owner's
515 contractor shall, within 1 business day after any change or
516 within 2 business days before the next scheduled inspection,
517 update the notice to reflect such changes. A change of a duly
518 authorized representative named in the permit application does
519 not require a revision of the permit, and the building code
520 enforcement agency shall not charge a fee for making the change.

521 (5) After construction has commenced and if ~~either the~~
522 ~~local building official is unable to provide inspection services~~

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523 ~~in a timely manner or~~ the work subject to inspection is related
524 to a single-trade inspection for a single-family or two-family
525 dwelling, the fee owner or the fee owner's contractor may elect
526 to use a private provider to provide inspection services by
527 notifying the local building official of the owner's or
528 contractor's intention to do so ~~by 2 p.m. local time, 2 business~~
529 ~~days~~ before the next scheduled inspection using the notice
530 provided for in paragraphs (4) (a) - (c).

531 (6) A private provider performing plans review under this
532 section shall review the plans to determine compliance with the
533 applicable codes. For single-trade plans reviews, a private
534 provider may use an automated or software-based plans review
535 system designed to determine compliance with one or more
536 applicable codes, including, but not limited to, the National
537 Electrical Code and the Florida Building Code. Upon determining
538 that the plans reviewed comply with the applicable codes, the
539 private provider shall prepare an affidavit or affidavits
540 certifying, under oath, that the following is true and correct
541 to the best of the private provider's knowledge and belief:

542 (a) The plans were reviewed by the affiant, who is duly
543 authorized to perform plans review pursuant to this section and
544 holds the appropriate license or certificate.

545 (b) The plans comply with the applicable codes.

546
547 Such affidavit may bear a written or electronic signature and
548 must have the ability to ~~may~~ be submitted electronically to the
549 local building official.

550 (7) (a) The local building official may not review plans,
551 construction drawings, or any other related documents determined

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552 by a private provider to be compliant with the applicable codes.

553 (b) The local building official may review other forms and
554 documents required under this section for completeness only. The
555 local building official must provide written notice to a permit
556 applicant of any incomplete forms or documents required under
557 this section no later than 10 days after receipt of a permit
558 application and an affidavit from the private provider as
559 required in subsection (6). The written notice must state with
560 specificity which forms or documents are incomplete.

561 (7) (a) No more than 20 business days, or if the permit
562 application is related to a single trade plans review for a
563 single family or two family dwelling, no more than 5 business
564 days, after receipt of a permit application and the affidavit
565 from the private provider required pursuant to subsection (6),
566 the local building official shall issue the requested permit or
567 provide a written notice to the permit applicant identifying the
568 specific plan features that do not comply with the applicable
569 codes, as well as the specific code chapters and sections. If
570 the local building official does not provide such a written
571 notice of the plan deficiencies within 10 days the prescribed
572 time period, the permit application must be deemed approved as a
573 matter of law, and the permit must be issued by the local
574 building official on the next business day.

575 (c) (b) If the local building official provides a written
576 notice of plan deficiencies to the permit applicant of any
577 incomplete forms or documents required under this section at the
578 time of plan submission within the 10-day prescribed time
579 period, such the time period is tolled pending resolution of the
580 matter. To resolve the issues raised in the notice plan

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581 deficiencies, the permit applicant may elect to dispute the
582 issues deficiencies pursuant to subsection (16) ~~(15)~~ or to
583 submit revisions to correct the issues deficiencies.

584 (d) ~~(e)~~ If the permit applicant submits revisions, the local
585 building official has the remainder of the tolled 10-day time
586 period plus 5 business days ~~after the date of resubmittal~~ to
587 issue the requested permit or to provide a second written notice
588 to the permit applicant stating which of the previously
589 identified forms or documents plan features remain incomplete in
590 ~~noncompliance with the applicable codes, with specific reference~~
591 ~~to the relevant code chapters and sections.~~ Any subsequent
592 review by the local building official is limited to the issues
593 ~~deficiencies~~ cited in the original written notice. If the local
594 building official does not provide the second written notice
595 within the prescribed time period, the permit must be deemed
596 approved as a matter of law, and the local building official
597 must issue the permit on the next business day.

598 (e) ~~(d)~~ If the local building official provides a second
599 written notice ~~of plan deficiencies~~ to the permit applicant
600 within the prescribed time period, the permit applicant may
601 elect to dispute the issues raised in the second notice
602 ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit
603 additional revisions to correct the issues deficiencies. For all
604 revisions submitted after the first revision, the local building
605 official has an additional 5 business days ~~after the date of~~
606 ~~resubmittal~~ to issue the requested permit or to provide a
607 written notice to the permit applicant stating which of the
608 previously identified forms or documents plan features remain
609 incomplete. If the local building official does not provide the

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610 notice within the prescribed time period, the permit shall be
611 deemed approved as a matter of law, and the local building
612 official must issue the permit on the next business day ~~in~~
613 ~~noncompliance with the applicable codes, with specific reference~~
614 ~~to the relevant code chapters and sections.~~

615 (8) A private provider performing required inspections
616 under this section shall inspect each phase of construction as
617 required by the applicable codes. Such inspection, including a
618 single-trade inspection, may be performed in person or
619 virtually. The private provider may have a duly authorized
620 representative perform the required inspections, provided all
621 required reports are prepared by and bear the written or
622 electronic signature of the private provider or the private
623 provider's duly authorized representative. The duly authorized
624 representative must be supervised by or be an employee of the
625 private provider and be entitled to receive reemployment
626 assistance benefits under chapter 443. The contractor's
627 contractual or legal obligations are not relieved by any action
628 of the private provider.

629 (9) ~~A private provider performing required inspections~~
630 ~~under this section shall provide notice to the local building~~
631 ~~official of the approximate date and time of any such~~
632 ~~inspection. The local building official may not prohibit the~~
633 ~~private provider from performing any inspection outside the~~
634 ~~local building official's normal operating hours, including~~
635 ~~after hours, weekends, or holidays. The local building official~~
636 ~~may visit the building site as often as necessary to verify that~~
637 ~~the private provider is performing all required inspections. A~~
638 ~~deficiency notice must be posted by the private provider or, the~~

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639 duly authorized representative of the private provider, ~~or the~~
640 ~~building department~~ whenever a noncomplying item related to the
641 building code or the permitted documents is found. Such notice
642 may be physically posted at the job site or electronically
643 posted. After corrections are made, the item must be reinspected
644 by the private provider or his or her representative before
645 being concealed. ~~Reinspection or reaudit fees shall not be~~
646 ~~charged by~~ The local jurisdiction may not charge any fees
647 related to the reinspection or any administrative matter related
648 to the reinspection.

649 (10) A local building official is not responsible for the
650 regulatory administration or supervision of building code
651 inspection services performed by a private provider hired by a
652 fee owner or the fee owner's contractor. Verification of
653 licensure and insurance requirements for a private provider
654 firm's duly authorized representative is the responsibility of
655 the private provider firm's management, and the local building
656 official may not verify compliance or store information relating
657 to such verification as a result of the local jurisdiction's
658 audit inspection occurring before the performance of the private
659 provider's inspection or for any other administrative matter not
660 involving the detection of a violation of the building code or a
661 permit requirement.

662 (11) ~~(10)~~ If the private provider is a person licensed as an
663 engineer under chapter 471 or an architect under chapter 481 and
664 affixes his or her professional seal to the affidavit required
665 under subsection (6), the local building official must issue the
666 requested permit or provide a written notice to the permit
667 applicant identifying the specific plan features that do not

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668 comply with the applicable codes, as well as the specific code
669 chapters and sections, within 10 business days after receipt of
670 the permit application and affidavit. In such written notice,
671 the local building official must provide with specificity the
672 plan's deficiencies, the reasons the permit application failed,
673 and the applicable codes being violated. If the local building
674 official does not provide specific written notice to the permit
675 applicant within the prescribed 10-day period, the permit
676 application is deemed approved as a matter of law, and the local
677 building official must issue the permit on the next business
678 day.

679 (12) ~~(11)~~ If equipment replacements and repairs must be
680 performed in an emergency situation, subject to the emergency
681 permitting provisions of the Florida Building Code, a private
682 provider may perform emergency inspection services ~~without first~~
~~notifying the local building official pursuant to subsection~~
683 ~~(9)~~. A private provider must conduct the inspection within 3
684 business days after being contacted to conduct an emergency
685 inspection and must submit the inspection report to the local
686 building official within 1 day after the inspection is
687 completed.

688 (13) ~~(12)~~ Upon completing the required inspections at each
689 applicable phase of construction, the private provider shall
690 record such inspections on a form provided by the commission
~~acceptable to the local building official~~. The form must bear
691 the written or electronic signature of the private provider or
692 the private provider's duly authorized representative. These
693 inspection records must ~~shall~~ reflect those inspections required
694 by the applicable codes of each phase of construction for which
695

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697 permitting by a local enforcement agency is required. The
698 private provider, upon completion of the required inspection,
699 shall post each completed inspection record, indicating pass or
700 fail, and provide the record to the local building official
701 within 4 ~~2~~ business days. Such inspection record may be
702 electronically posted by the private provider, or the private
703 provider may post such inspection record physically at the
704 project site. The private provider may electronically transmit
705 the record to the local building official. The local building
706 official may not fail any inspection that is performed by a
707 private provider for not having the inspection records at the
708 job site if the inspection records are transmitted within 4
709 business days. The local building official may waive the
710 requirement to provide a record of each inspection within 4 ~~2~~
711 business days if the record is electronically posted or posted
712 at the project site and all such inspection records are
713 submitted with the certificate of compliance. Unless the records
714 have been electronically posted and transmitted, records of all
715 required and completed inspections shall be maintained at the
716 building site at all times and made available for review by the
717 local building official. The private provider shall report to
718 the local enforcement agency any condition that poses an
719 immediate threat to public safety and welfare.

720 (14) ~~(13)~~ Upon completion of all required inspections, the
721 private provider shall prepare a certificate of compliance, on a
722 form provided by the commission acceptable to the local building
~~official~~, summarizing the inspections performed and including a
723 written representation, under oath, that the stated inspections
724 have been performed and that, to the best of the private
725

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726 provider's knowledge and belief, the building construction
727 inspected complies with the approved plans and applicable codes.
728 The certificate of compliance may be signed by any qualified
729 individual employed by the private provider under whose
730 authority the inspection was completed. The statement required
731 of the private provider shall be substantially in the following
732 form and shall be signed and sealed by a private provider as
733 established in subsection (1) or may be electronically
734 transmitted to the local building official:

735

736 To the best of my knowledge and belief, the building
737 components and site improvements outlined herein and
738 inspected under my authority have been completed in
739 conformance with the approved plans and the applicable
740 codes.

741

742 (15) (a) (14) (a) The local building official may perform
743 building inspections of construction that a private provider has
744 determined to be compliant with the applicable codes only if the
745 local building official has actual knowledge that the private
746 provider did not perform the required inspections. If the local
747 building official has such knowledge, the local building
748 official must provide to the private provider written notice of
749 the facts and circumstances upon which the local building
750 official relied for such actual knowledge before performing a
751 required inspection. The local building official may review
752 forms and documents required under this section for completeness
753 only. No more than 10 business days, or if the permit is related
754 to single-family or two-family dwellings then no more than 2

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755 business days, after receipt of a request for a certificate of
756 occupancy or certificate of completion and the applicant's
757 presentation of a certificate of compliance and approval of all
758 other government approvals required by law, including the
759 payment of all outstanding fees, the local building official
760 shall issue the certificate of occupancy or certificate of
761 completion or provide a notice to the applicant of any
762 incomplete forms or documents required under this section
763 ~~identifying the specific deficiencies, as well as the specific~~
764 ~~code chapters and sections.~~

765 (b) If the local building official does not provide notice
766 of any incomplete forms or documents ~~the deficiencies~~ within the
767 applicable time periods under paragraph (a), the request for a
768 certificate of occupancy or certificate of completion is
769 automatically granted and deemed issued as of the next business
770 day. The local building official must provide the applicant with
771 the written certificate of occupancy or certificate of
772 completion within 2 ~~10~~ days after it is automatically granted
773 and issued. To resolve any identified issues ~~deficiencies~~, the
774 applicant may elect to dispute the issues ~~deficiencies~~ pursuant
775 to subsection (16) ~~(15)~~ or to submit a corrected request for a
776 certificate of occupancy or certificate of completion.

777 (16) ~~(15)~~ If the local building official determines that any
778 forms or documents required under this section are incomplete
779 ~~the building construction or plans do not comply with the~~
780 ~~applicable codes~~, the official may deny the permit or request
781 for a certificate of occupancy or certificate of completion, as
782 appropriate, or may issue a stop-work order for the project or
783 any portion thereof as provided by law, if the official

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784 determines that the noncompliance poses an immediate threat to
785 public safety and welfare, subject to the following:

786 (a) The local building official shall be available to meet
787 with the private provider within 2 business days to resolve any
788 dispute after issuing a stop-work order or providing notice to
789 the applicant denying a permit or request for a certificate of
790 occupancy or certificate of completion.

791 (b) If the local building official and private provider are
792 unable to resolve the dispute, the matter shall be referred to
793 the local enforcement agency's board of appeals, if one exists,
794 which shall consider the matter at its next scheduled meeting or
795 sooner. Any decisions by the local enforcement agency's board of
796 appeals, or local building official if there is no board of
797 appeals, may be appealed to the commission as provided by this
798 chapter.

799 (c) Notwithstanding any provision of this section, any
800 decisions regarding the issuance of a building permit,
801 certificate of occupancy, or certificate of completion may be
802 reviewed by the local enforcement agency's board of appeals, if
803 one exists. Any decision by the local enforcement agency's board
804 of appeals, or local building official if there is no board of
805 appeals, may be appealed to the commission as provided by this
806 chapter, which shall consider the matter at the commission's
807 next scheduled meeting.

808 (17) ~~(16)~~ For the purposes of this section, any notice to be
809 provided by the local building official shall be deemed to be
810 provided to the person or entity when successfully transmitted
811 to the e-mail address listed for that person or entity in the
812 permit application or revised permit application, or, if no e-

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813 mail address is stated, when actually received by that person or
814 entity.

815 (18) (a) ~~(17) (a)~~ A local enforcement agency, local building
816 official, or local government may not adopt or enforce any laws,
817 rules, procedures, policies, qualifications, or standards more
818 stringent than those prescribed by this section.

819 (b) A local enforcement agency, local building official, or
820 local government must ~~may~~ establish, for private providers and,
821 private provider firms, ~~and duly authorized representatives~~
822 working within that jurisdiction, a system of registration to
823 verify compliance with the ~~licensure~~ requirements of paragraph
824 (1) (n) and the insurance requirements of subsection (19) ~~(18)~~.
825 The local building official may not charge administrative fees
826 for the registration process for a private provider, or for any
827 updates to a private provider registration.

828 (c) This section does not limit the authority of the local
829 building official to issue a stop-work order for a building
830 project or any portion of the project, as provided by law, if
831 the official determines that a condition on the building site
832 constitutes an immediate threat to public safety and welfare,
833 provided such orders are in strict compliance with the
834 deficiency notice provisions of subsection (9).

835 (d) A local enforcement agency, local building official, or
836 local government may not prohibit or limit the use of virtual
837 inspections by private providers and private provider firms for
838 any type of construction such providers or firms have a license
839 to inspect.

840 (19) ~~(18)~~ A private provider may perform building code
841 inspection services on a building project under this section

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842 only if the private provider maintains insurance for
843 professional liability covering all services performed as a
844 private provider. Such insurance shall have minimum policy
845 limits of \$1 million per occurrence and \$2 million in the
846 aggregate for any project with a construction cost of \$5 million
847 or less and \$2 million per occurrence and \$4 million in the
848 aggregate for any project with a construction cost of over \$5
849 million. Nothing in this section limits the ability of a fee
850 owner to require additional insurance or higher policy limits.
851 For these purposes, the term "construction cost" means the total
852 cost of building construction as stated in the building permit
853 application. If the private provider chooses to secure claims-
854 made coverage to fulfill this requirement, the private provider
855 must also maintain coverage for a minimum of 5 years after
856 ~~subsequent to~~ the performance of building code inspection
857 services. The insurance required under this subsection shall be
858 written only by insurers authorized to do business in this state
859 with a minimum A.M. Best's rating of A. Before providing
860 building code inspection services within a local building
861 official's jurisdiction, a private provider must provide to the
862 local building official a certificate of insurance evidencing
863 that the coverages required under this subsection are in force.

864 (20) ~~(19)~~ When performing building code inspection services,
865 a private provider is subject to the disciplinary guidelines of
866 the applicable professional board with jurisdiction over his or
867 her license or certification under chapter 468, chapter 471, or
868 chapter 481. All private providers shall be subject to the
869 disciplinary guidelines of s. 468.621(1) (c)-(h). Any complaint
870 processing, investigation, and discipline that arise out of a

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871 private provider's performance of building code inspection
872 services shall be conducted by the applicable professional
873 board.

874 (21)~~(20)~~ A local building code enforcement agency may not
875 audit the performance of building code inspection services by
876 private providers operating within the local jurisdiction until
877 the agency has created standard operating ~~private provider audit~~
878 procedures for the agency's internal inspection and review
879 staff, which includes, at a minimum, the private provider audit
880 purpose and scope, private provider audit criteria, an
881 explanation of private provider audit processes and objections,
882 and detailed findings of areas of noncompliance. Such private
883 provider audit procedures must be publicly available online, and
884 a printed version must be readily accessible in agency
885 buildings. The private provider audit results of staff for the
886 prior two quarters also must be publicly available. The agency's
887 audit processes must adhere to the agency's posted standard
888 operating audit procedures. The same private provider or private
889 provider firm may not be audited more than four times in a year
890 unless the local building official determines a condition of a
891 building constitutes an immediate threat to public safety and
892 welfare, which must be communicated in writing to the private
893 provider or private provider firm. The private provider or
894 private provider firm must be given notice of each audit to be
895 performed at least 5 business days before the audit. Work on a
896 building or structure may proceed after inspection and approval
897 by a private provider. The work may not be delayed for
898 completion of an inspection audit by the local building code
899 enforcement agency.

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900 (22) ~~(21)~~ The local government, the local building official,
901 and their building code enforcement personnel shall be immune
902 from liability to any person or party for any action or inaction
903 by a fee owner of a building, or by a private provider or its
904 duly authorized representative, in connection with building code
905 inspection services as authorized in this act. The local
906 government, local building official, and building code
907 enforcement personnel may not prohibit or discourage the use of
908 a private provider or a private provider firm.

909 (23) ~~(22)~~ Notwithstanding any other law, a county, a
910 municipality, a school district, or an independent special
911 district may use a private provider or a private provider firm
912 to provide building code inspection services for a public works
913 project, an improvement, a building, or any other structure that
914 is owned by the county, municipality, school district, or
915 independent special district.

916 Section 6. Section 553.792, Florida Statutes, is amended to
917 read:

918 553.792 Building permit application to local government.—
919 (1) The Florida Building Commission shall develop a uniform
920 building permit application for mandatory use by local
921 governments. The application must include a checklist by project
922 type for permitted work.

923 (2) (a) ~~(1)~~ (a) A local government must approve, approve with
924 conditions, or deny a building permit application after receipt
925 of a completed and sufficient application within the following
926 timeframes, unless the applicant waives such timeframes in
927 writing:

928 1. Within 5 business days after receiving a complete and

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929 sufficient application, for an applicant using a local
930 government plans reviewer to obtain the following building
931 permits for an existing single-family residential dwelling if
932 the value of the work is less than \$15,000: structural,
933 accessory structure, alarm, electrical, irrigation, landscaping,
934 mechanical, plumbing, or roofing.

935 2.1. Within 30 business days after receiving a complete and
936 sufficient application, for an applicant using a local
937 government plans reviewer to obtain the following building
938 permits if the structure is less than 7,500 square feet:
939 residential units, including a single-family residential unit or
940 a single-family residential dwelling, accessory structure,
941 alarm, electrical, irrigation, landscaping, mechanical,
942 plumbing, or roofing.

943 3.2. Within 60 business days after receiving a complete and
944 sufficient application, for an applicant using a local
945 government plans reviewer to obtain the following building
946 permits if the structure is 7,500 square feet or more:
947 residential units, including a single-family residential unit or
948 a single-family residential dwelling, accessory structure,
949 alarm, electrical, irrigation, landscaping, mechanical,
950 plumbing, or roofing.

951 4.3. Within 60 business days after receiving a complete and
952 sufficient application, for an applicant using a local
953 government plans reviewer to obtain the following building
954 permits: signs or nonresidential buildings that are less than
955 25,000 square feet.

956 5.4. Within 60 business days after receiving a complete and
957 sufficient application, for an applicant using a local

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958 government plans reviewer to obtain the following building
959 permits: multifamily residential, not exceeding 50 units; site-
960 plan approvals and subdivision plats not requiring public
961 hearing or public notice; and lot grading and site alteration.

962 6.5. Within 12 business days after receiving a complete and
963 sufficient application, for an applicant using a master building
964 permit consistent with s. 553.794 to obtain a site-specific
965 building permit.

966 6.6. Within 10 business days after receiving a complete and
967 sufficient application, for an applicant for a single-family
968 residential dwelling applied for by a contractor licensed in
969 this state on behalf of a property owner who participates in a
970 Community Development Block Grant-Disaster Recovery program
971 administered by the Department of Commerce, unless the permit
972 application fails to satisfy the Florida Building Code or the
973 enforcing agency's laws or ordinances.

974
975 However, the local government may not require the waiver of the
976 timeframes in this section as a condition precedent to reviewing
977 an applicant's building permit application.

978 (b) A signed and sealed permit application and an
979 attestation by an architect licensed under chapter 481 or an
980 engineer licensed under chapter 471 that the plans in the permit
981 application comply with the Florida Building Code for the
982 construction or renovation of a single-family dwelling located
983 in a jurisdiction for which a state of emergency was issued
984 within the 24 months before the submission of the application is
985 deemed approved. The local government shall issue such permit
986 within 2 days after approval.

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987 (c)-(b) A local government must meet the timeframes set
988 forth in this section for reviewing building permit applications
989 unless the timeframes set by local ordinance are more stringent
990 than those prescribed in this section.

991 (d)-(e) After an applicant submits an application to the
992 local government, the local government must provide written
993 notice to the applicant within 5 business days after receipt of
994 the application advising the applicant what information, if any,
995 is needed to deem or determine that the application is properly
996 completed in compliance with the filing requirements published
997 by the local government. If the local government does not
998 provide timely written notice that the applicant has not
999 submitted the properly completed application, the application is
1000 automatically deemed or determined to be properly completed and
1001 accepted.

1002 (e)-(d) A local government shall maintain on its website a
1003 policy containing procedures and expectations for expedited
1004 processing of those building permits and development orders
1005 required by law to be expedited.

1006 (f)-(e) If a local government fails to meet a deadline under
1007 this subsection, it must reduce the building permit fee by 10
1008 percent for each business day that it fails to meet the
1009 deadline, unless the parties agree in writing to a reasonable
1010 extension of time, the delay is caused by the applicant, or the
1011 delay is attributable to a force majeure or other extraordinary
1012 circumstances. Each 10-percent reduction shall be based on the
1013 original amount of the building permit fee, unless the parties
1014 agree to an extension of time.

1015 (g)-(f) A local enforcement agency does not have to reduce

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1016 the building permit fee if it provides written notice to the
1017 applicant by e-mail or United States Postal Service within the
1018 respective timeframes in paragraph (a) which specifically states
1019 the reasons the permit application fails to satisfy the Florida
1020 Building Code or the enforcing agency's laws or ordinances. The
1021 written notice must also state that the applicant has 10
1022 business days after receiving the written notice to submit
1023 revisions to correct the permit application and that failure to
1024 correct the application within 10 business days will result in a
1025 denial of the application.

1026 (h) If the applicant submits revisions within 10
1027 business days after receiving the written notice, the local
1028 enforcement agency has 10 business days after receiving such
1029 revisions to approve or deny the building permit unless the
1030 applicant agrees to a longer period in writing. If the local
1031 enforcement agency fails to issue or deny the building permit
1032 within 10 business days after receiving the revisions, it must
1033 reduce the building permit fee by 20 percent for each business
1034 day that it fails to meet the deadline unless the applicant
1035 agrees to a longer period in writing.

1036 (3) If any building permit fees are refunded under this
1037 section, the surcharges provided in s. 468.631 or s. 553.721
1038 must be recalculated based on the amount of the building permit
1039 fees after the refund.

1040 Section 7. Paragraph (c) is added to subsection (1) of
1041 section 720.3035, Florida Statutes, to read:

1042 720.3035 Architectural control covenants; parcel owner
1043 improvements; rights and privileges.—

1044 (1)

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(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of structures or improvements on the parcel.

Section 8. This act shall take effect July 1, 2026.